

REMARKS/ARGUMENTS

These remarks are made in response to the Office Action of February 7, 2007 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. The Office is expressly authorized, however, to charge any deficiencies and credit any overpayments to Deposit Account No. 50-0951.

In the Office Action, Claims 1-27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,386,494 to White, *et al.* (hereinafter White) in view of U.S. Patent No. 5,420,975 to Blades, *et al.* (hereinafter Blades). Applicant notes that while the Office Action states 'Blades in view of White,' the rejection in the Office Action relies on White as the primary reference and Blades as the secondary reference. Applicants respectfully submit that such a rejection would be more accurately described as 'White in view of Blades'.

Additionally, Claims 19-27 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

Rejections Under §101

As previously stated, Claims 19-27 were rejected as being directed to non-statutory matter. In particular, the claims are rejected on page 2 of the Office Action for appearing to be directed to software that is not embodied on a computer-readable medium and cannot be considered an apparatus or a method within the meaning of §101. In response to this rejection, Applicants have amended Claim 19. As amended, the claim is directed to a speech recognition system comprising a computer programmed to perform the steps described in the claim. Therefore, as such language now clearly claims an apparatus, a computer, Applicants respectfully request withdrawal of this rejection.

Amendments to the Claims

As of this Amendment, independent Claims 1, 10, and 19 have been amended. The claims now recite that the evidentiary value measured is a measure of the time between speech inputs being uttered by a user and that the saliency of commands in the display list is adjusted in response to meeting or failing to meet the adjustment criteria. Claims 2-7, 11-16, and 20-26 have also been amended to maintain consistency among the claims. Claims 9, 18, and 27 have been cancelled. The claim amendments are fully supported throughout the Specification, as discussed below. Additionally, new Claims 28-30 are presented and are fully supported in the Specification. (See, e.g., Specification, paragraph [0017].) No new subject matter has been added by the current amendment.

Aspects of Applicants' Claimed Invention

Prior to discussing the cited references, it may be useful to reiterate certain aspects of Applicants' claimed invention. The claimed invention, as typified by amended Claim 1, provides systems and methods for aiding visual searches of a list of learnable speech commands for users of a speech recognition system. The method can include presenting a display list of speech commands to a user and monitoring whether the user has uttered one of the commands. (See, e.g., Specification, paragraph [0027].) The method can continue by measuring an evidentiary value related to the uttered one of the commands. (See, e.g., Specification, paragraph [0024], [0025].) The method also can include comparing the measured evidentiary value to a programmed value to determine if an adjustment criteria has been satisfied and adjusting the display for the uttered one of the commands in response to the comparison, where the saliency of commands in the display list is adjusted in response to meeting or failing to meet the adjustment criteria. (See, e.g., Specification, paragraph [0023], [0026], and [0028].)

According to the method, the measured evidentiary value can be a measure of the time elapsed between uttered commands. (See, e.g., Specification, paragraph [0021].) The evidentiary value can indicate that the user does not need to refer to the list to input the command when there is a reduction in this measured time below a threshold or a programmed value.

The Amended Claims Define Over the Cited References

As previously stated, independent claims 1, 10, and 19 were rejected as being unpatentable over White in view of Blades. White discloses a system and method for selecting objects in a GUI and restricting potential speech input to apply only to the selected objects. Blades discloses a method and system for automatic alteration of selectable menu options according to a counter status. However, Applicants respectfully submit that in light of the current amendments to independent claims 1, 10, and 19, White and Blades, separately or in combination, fail to disclose each and every element of the claimed invention.

In particular, White and Blades fail to disclose measuring and using an evidentiary value comprising a time elapsed between utterances to alter the display of items in a list presented to the user. The Office Action acknowledges on pages 3 and 4 that White does not disclose measuring an evidentiary value or comparing a evidentiary value to a programmed value to determine whether display adjustment criteria has been met. Such a feature is asserted to be disclosed in Blades. However, Blades only discloses using a frequency of use of commands as an evidentiary value as disclosed in the cited portions of Blades. (See, e.g., col. 2, 58-61, col. 3, lines 15-20 and 23-27, and col. 4, lines 22-25.) Nowhere does Blades disclose or suggest measuring the elapsed time between utterances or using the elapsed time to determine when to adjust a display. In contrast, the claims

recite that an evidentiary value to be used is such an elapsed time. As noted in the Specification, such a configuration is provided to allow the speech recognition system to assume that commands uttered quickly in succession are likely commands already memorized by the user, regardless of the frequency of use. (See, Specification, paragraph [0021].)

Moreover, even if Blades is assumed to disclose using an elapsed time between consecutive utterances as an evidentiary value, Blades still fails to provide a method for reducing the saliency of commands that are commonly used and increasing the saliency of commands that are less commonly used. Blades instead discloses decreasing the saliency of commands less commonly used and increasing the saliency of command more commonly used. (See, e.g., Col. 2, lines 28-40.) In Blades, the motivation is to provide the user with ready access to commands he is likely to use. In contrast, the claimed invention provides the user with ready access to commands he is less likely to use, as a reference for constructing a speech input for the speech recognition system.

Accordingly, Applicants respectfully submit that amended independent Claims 1, 10, and 19 define over the prior art. Applicants further respectfully submit that, whereas the remaining claims each depend from one of the amended independent claims while reciting additional features, these claims likewise define over the prior art.

CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the

Appln No. 10/736,492
Amendment dated May 7, 2007
Reply to Office Action of February 7, 2007
Docket No. BOC9-2003-0067 (438)

Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

AKERMAN SENTERFITT

Date: May 7, 2007



Gregory A. Nelson, Registration No. 30,577
Richard A. Hinson, Registration No. 47,652
Eduardo Quinones, Registration No. 58,575
Customer No. 40987
Post Office Box 3188
West Palm Beach, FL 33402-3188
Telephone: (561) 653-5000